

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI**

**UNITED STATES OF AMERICA ex
rel.
CAMERON JEHL,**

Plaintiffs,

v.

**GGNSC SOUTHAVEN LLC D/B/A
GOLDEN LIVING CENTER-
SOUTHAVEN et al.**

Defendants.

Case No. 3:19cv091-MPM-JMV

**DECLARATION OF ROBERT SALCIDO IN SUPPORT OF MOTION TO
SUPPLEMENT DEFENDANTS' MOTION FOR AWARD OF ATTORNEYS' FEES
AND OTHER EXPENSES**

I, Robert Salcido, having personal knowledge of the facts contained in this Declaration and being competent to testify to them, hereby state as follows:

A. Background

1. I am a partner at Akin Gump Strauss Hauer & Feld, LLP ("Akin" or the "Firm") and have been representing GGNSC Southaven LLC; GGNSC Administrative Services LLC; and GGNSC Clinical Services (hereinafter "Southaven") in this litigation since November 2019.

2. In support of Defendants' Motion for Award of Attorneys' Fees and Other Expenses, I have submitted supporting Declarations, which are incorporated by reference. *See* ECF 356-1, 364-2. As part of these submissions, I provided redacted invoices

reflecting reasonable attorneys' fees and expenses billed to Defendants for legal services performed by Akin as of March 31, 2023.

B. Invoices in Support of Attorneys' Fees and Expenses

3. Since April 1, 2023 to May 31, 2023, Akin has performed legal services for Defendants preparing Defendants' Motion for Fees and Expenses, responding to Relator's Motion for Reconsideration, and Replying to Relator's Opposition to Defendants' Motion for Fees and Expenses which were reasonably incurred. *See* ECF 354, 356-57, 364-65.

4. Akin's redacted invoice for April 2023 is attached as Ex. A to this Declaration. Akin's redacted invoice for May 2023 is attached as Ex. B.

5. These invoices solely reflect legal services performed or expenses incurred in defense of this litigation.

6. Redactions to these invoices were in light of attorney-client privilege and the work product doctrine, such as where time entries reflected legal advice given to the client, strategies, mental impressions, theories, or specific areas of research.

C. Akin Timekeepers

7. Akin's April 2023 invoice includes timekeepers for whom fees have not previously been sought, including Jenna Becker, who has been practicing law since 2022. Ms. Becker's rate is \$660, a 16% discount off of her global standard rate. Because the discounts for other timekeepers on this matter are lower than the 48% discount applied to my and to Ms. Gerry's global standard rate, and because a number of timekeepers contributed hours to briefing in April 2023, in an effort to limit costs, Akin intends to write off fees for any timekeeper who billed less than \$5,000 on this matter. Thus, Akin will

only seek fees for Mr. Salcido, Ms. Gerry and Ms. Becker billed during this month. *See* Ex. A.

8. Akin's May 2023 invoice also includes timekeepers for whom fees have not previously been sought, including Caroline Kessler (whose rate is \$770, a 26% discount off of her standard rate, and who has been practicing law since 2019), Oluwaremilekun O. Mehner (whose rate is \$770, a 26% discount off of her standard rate, and who has been practicing law since 2019) and Alexa Rummel (whose rate is \$740, a 16% discount off of her standard rate, and who has been practicing law since 2021). Because the discounts for other timekeepers on this matter are lower than the 48% discount applied to my and to Ms. Gerry's global standard rate, and because a number of timekeepers contributed hours to briefing in May 2023, in an effort to limit costs, Akin intends to write off fees for any timekeeper who billed less than \$5,000 on this matter. Thus, Akin will only seek fees for Mr. Salcido, Ms. Gerry, Ms. Becker, Ms. Kessler, Ms. Mehner and Ms. Rummel billed during this month. *See* Ex. B.

9. Consistent with my initial Declaration, *see* ECF 356-1 at ¶ 23, all of these rates are commensurate with the rates of other similarly experienced and educated partners, associates/counsel and paralegals at both Akin and other large Washington D.C. firms. As noted, Ms. Gerry has specialized knowledge of the matters implicated by the lawsuit. *Id.* at ¶ 24. I have also worked with Ms. Kessler, Ms. Mehner, Ms. Rummel and Ms. Becker on a number of FCA matters.

D. Reasonableness of Hours Spent

10. In April 2023, Ms. Gerry, Ms. Becker and I worked to prepare Defendants' Motion for Fees and Expenses and to respond to Relator's Motion for Reconsideration.

Defendants' Motion for Fees and Expenses included more than 21 exhibits supporting attorneys' fee awards incurred by the eight law firms and three experts required to defend against Relator's frivolous action, and Defendants submitted 22 pages supporting an award for millions of dollars' worth of fees and expenses incurred over the course of more than 350 docket entries in this litigation. In the meantime, Defendants were also required to respond to Relator's motion for reconsideration, which required Defendants to rebut Relator's attempt to relitigate a complex, albeit frivolous, action. Approximately three-quarters of the time spent in April were spent in support of the fee award, and approximately one-quarter were spent in response to the motion for reconsideration.

11. Considering the magnitude of this case, as well as the complexity of the issues presented, the hours expended on these tasks by Ms. Gerry, Ms. Becker and me were reasonable. They are consistent with the hours that I have spent on tasks in similar litigation, when defeating a relator's, or the government's, claim and when moving for attorneys' fees.

12. In May 2023, Ms. Gerry, Ms. Becker, Ms. Kessler, Ms. Mehner, Ms. Rummel and I worked to reply to Relator's Opposition to Defendants' Motion for Fees and Expenses. The Opposition included 14 exhibits and the memorandum was 30 pages, cited to more than 30 cases, advanced a complex (but false) theory purporting to shift the burden to defendants to put relators on notice that their claims are frivolous, and consisted of a number of challenges to fees and expenses on an item-by-item level, as well as challenges on an attorney-by-attorney level premised on a number of legal theories. In light of the level of complexity of this motion, the number of cases cited and the amount at issue, the number of hours expended was reasonable.

D. Averaged Billed Rate

13. At the time I submitted my initial declaration, my average billed rate for 2023 was \$1,259.16 for all clients exclusive of GGNSC Southaven (through March 2023). ECF 356-1 at Table 3. At present, it is \$1,270.16 (through May 2023).

I declare under penalty of perjury that the foregoing is true and correct.



Robert Salcido

Executed on this 13th day of June, 2023